

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSEPH SCOTT SHERRILL, et al,

Plaintiffs,

vs.

Case No. 04-72949

FEDERAL-MOGUL CORPORATION
RETIREMENT PROGRAMS COMMITTEE,
et al,

HON. AVERN COHN

Defendants.

ORDER GRANTING IN PART AND DENYING IN PART
PLAINTIFFS' MOTION TO STRIKE EXHIBITS 3 AND 4
ATTACHED TO COMERICA'S MOTION TO DISMISS

This is a case under the Employment Retirement Income Security Act, 29 U.S.C. § 1001 et seq (ERISA). Before the Court is plaintiffs' motion to strike Exhibits 3 and 4 attached to Comerica's motion to dismiss. Comerica objects only to the exclusion of Exhibit 4, the Certificate of Designation of Series C ESOP Convertible Preferred Stock of Federal-Mogul Corporation. Exhibit 3, therefore, will not be considered by the Court in ruling on Comerica's motion to dismiss. Exhibit 4, however, is integral to plaintiffs' complaint and therefore will be considered. Accordingly, the motion is GRANTED IN PART AND DENIED IN PART.

SO ORDERED.

Dated: April 20, 2005

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 20, 2005, by electronic and/or ordinary mail.

s/Julie Owens

Case Manager

(313) 234-5160